

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 350 of 1996

in

SPECIAL CIVIL APPLICATION No 10098 of 1995

For Approval and Signature:

Hon'ble THE CHIEF JUSTICE G.D.KAMAT and  
MR.JUSTICE C.K.THAKKER

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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TENSILE STEEL LTD

Versus

SUDAMA MITHAILAL KAHAR

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Appearance:

MR MANISH R BHATT for Petitioner

MR N R SAHANI for Respondent

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CORAM : THE CHIEF JUSTICE G.D.KAMAT and  
MR.JUSTICE C.K.THAKKER

Date of decision: 26/09/96

ORAL JUDGEMENT (per G.D.KAMAT CJ)

Heard learned counsel on admission. Admit. By  
consent to be heard forthwith.

The respondent was Operator in the factory of the

appellant. The appellant terminated the services of the respondent with effect from 6th May 1995 upon payment of Rs.76,594/- holding out that the same are terminal dues payable to him. The termination order was challenged vide complaint no.56/95 before the Industrial Tribunal at Vadodara. It appears that an attempt was made on behalf of the appellant to lead evidence in support of their stand that the services of the respondent are validly terminated. The Tribunal by an order dt. 14th August 1995 made a conditional order permitting the appellant to lead evidence oral as well as documentary, however, subject to the payment of the arrears of wages from the date of termination till the date of payment within three months with a further direction that appellant shall pay wages from the date of termination from month to month until the conclusion of the complaint proceedings.

This order of 14th August 1995 was challenged by the appellant in Special Civil Application No.10098 of 1995. When the Special Civil Application came before the learned Single Judge, rule was granted therein, but interim relief was refused on 4th March 1996. The appellant presently challenges the order dt. 4th March 1996 made by the learned Single Judge refusing interim relief.

We have heard the learned counsel in this appeal. Some authorities were cited across the Bar in support of the proposition that the Tribunal could not have made conditional order on 14th August 1995 directing the appellant to make payment of arrears and future wages to enable the appellant to lead evidence. In our view, regard being had to the fact that complaint proceedings are before the Industrial Tribunal, there is no point in multiplying proceedings and a direction to the Industrial Tribunal to expedite the hearing with further direction to the appellant to make some deposit to meet the ends of justice in the facts and circumstances of the case is justified. We are also more than convinced that there is no question of keeping a Special Civil Application No.10098 of 1995 alive and in all the fairness to the learned counsels they have agreed to allow us to dispose of the same. Accordingly Special Civil Application and the present Letters Patent Appeal are disposed of by order as follows:

Industrial Tribunal, Vadodara, is directed to dispose of the complaint No.56 of 1995 not later than 28th February 1997. At the same time the appellant is directed to deposit a sum of Rs.25,000/- with the Tribunal within four weeks from to day. The deposited

amount to be invested in a nationalised bank on usual terms for a period of six months and the same shall be liable for adjustment in terms of the award that will be passed by the Tribunal. Parties are left to bear their own costs.

Dt. 26.9.1996. (G.D.KAMAT C.J.)

(C.K.THAKKER J)